



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831
January 11, 2013

Dear Magistrate

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Prior to becoming Magistrate, you sat on the Board of Directors for the _____ County Emergency Ambulance Authority. _____ Board members serve without remuneration. You held no particular position on the Board but were a voting member. The Board oversees the general operation of the _____ which includes but is not limited to, approving the purchase of equipment, entering into contracts, and authorizing the payment of debts. The Board also approves the hiring and/or termination of _____ employees. You want to know if you may keep your seat on the Board now that you are a Magistrate.

To address the question which you have raised, the Commission has reviewed Canon 4A of the Code of Judicial Conduct which provides:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

A. Extra-judicial activities in general. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

The Code is clear that a judicial officer should not serve on a Board if it is likely that the organization will be involved in proceedings that would ordinarily come before the judge. Emergency Medical Technicians and other emergency ambulance personnel are regularly called as witnesses in criminal and civil cases involving injuries to a person. Accordingly, you are precluded from serving on the Board of the MCEAA. *See also* JIC Advisory Opinion 5/21/1998 (Judicial Officer prohibited from serving on a law enforcement advisory board that participates in hiring, training and employing police officers and procures equipment, technology and other material directly related to law enforcement functions).

It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat